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 15 Vanessa Timbreza, Kathy Morales, and
 16 Kellen Prost*

17 **UNITED STATES DISTRICT COURT**
 18 **DISTRICT OF NEVADA**

19 JAMES EDWARD SCOTT, III,
 20 Plaintiff,
 21 v.
 22 GAYLENE FUKAGAWA, *et al.*,
 23 Defendants.

24 Case No. 3:23-cv-00254-MMD-CLB

25 **ORDER GRANTING
 26 DEFENDANTS' MOTION FOR
 27 EXTENSION OF TIME TO FILE
 28 MOTION FOR SUMMARY
 JUDGMENT
 (First Request)**

29 Defendants, Gaylene Fukagawa, Melissa Mitchell, Krystal Waters, John Weston,
 30 Cynthia Purkey, Vanessa Timbreza, and Kellen Prost, by and through counsel, Aaron D.
 31 Ford, Nevada Attorney General, and Kyle L. Hill, Deputy Attorney General, hereby move
 32 this Court for an extension of time to file a Motion for Summary Judgment. This is the first
 33 request to extend the subject deadline.

34 **MEMORANDUM OF POINTS AND AUTHORITIES**

35 **I. FACTUAL ANALYSIS**

36 This is a *pro se* prisoner 42 U.S.C. § 1983 civil rights claim brought by offender,
 37 James Scott (Scott). This Court entered a scheduling order with a discovery deadline of
 38 November 4, 2024, and a dispositive motion deadline 30 days following the discovery
 39 deadline, or December 4, 2024. ECF No. 21.

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1 On May 6, 2024, this Court issued the scheduling order for this matter on the same
 2 day as scheduling orders in the following cases, all involving Scott: *Scott v. Michell, et al.*,
 3 USDC 3:23-cv-00231-MMD-CLB; *Scott v. Bories, et al.*, USDC 3:23-cv-00260-MMD-CLB;
 4 *Scott v. Taitano, et al.*, USDC 3:23-cv-00263-ART-CLB; and *Scott v. Quigley, et al.*, USDC
 5 3:23-cv-00270-ART-CLB. All of these cases had the discovery deadlines on November 4,
 6 2024, and dispositive motion deadlines of December 4, 2024, which is the same as the
 7 instant matter.

8 Further, counsel for Defendants has had unforeseen medical issues arise within the
 9 months of October and November. Given the unexpected health issues and the convergence
 10 of multiple cases having the same dispositive motion deadline, Defendants request
 11 staggered deadlines for the dispositive motions in this and other cases identified above.

12 As such, Defendants now file a Motion for Extension of Time to File Motion for
 13 Summary Judgment (First Request) and request an additional sixty (60) days to file their
 14 summary judgment motion in this matter.¹

15 **II. ARGUMENT**

16 Defense counsel respectfully requests a sixty (60) day extension of time to file
 17 Defendants' dispositive motion from the current deadline of December 4, 2024, until
 18 February 3, 2025.²

19 Defense Counsel requests an additional sixty (60) days for Defendants to file their
 20 dispositive motion. Defense Counsel has been diligently working on this matter, however,
 21 due to unforeseen medical issues and multiple cases having the same dispositive motion
 22 deadline, Counsel believes extending and staggering the current deadline in this and other
 23 matters identified above would allow adequate time to sufficiently prepare and submit all
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25 ¹ Defendants in USDC Case No. 3:23-cv-00260-MMD-CLB are requesting an
 26 extension of thirty (30) days to file any dispositive motions in that matter, while Defendants
 27 in USDC Case No. 3:23-cv-00231-ART-CLB are requesting forty-five (45) days, and so wish
 28 to stagger a requested extension in this matter as to avoid having multiple deadlines fall
 on the same day.

2 ² The 60th day falls on Sunday, February 2, 2025, therefore the date has been
 adjusted accordingly.

1 dispositive motions. This would also prevent a situation where Plaintiff is expected to
2 respond on multiple dispositive motions simultaneously.

3 **A. Current Deadlines**

4 Dispositive motion deadline: December 4, 2024

5 Joint pretrial order (if no dispositive motions filed): January 3, 2025

6 **B. Proposed Deadlines**

7 Dispositive motion deadline: February 3, 2025

8 Joint pretrial order (if no dispositive motions filed): March 5, 2025

9 **C. Good Cause Supports this Request**

10 Federal Rule of Civil Procedure 16(b) allows parties to request extensions of
11 deadlines set in the Court's scheduling order. This request is made exactly 21 days before
12 the subject deadline, and good cause exists as follows for the extension. LR 26-3. Defense
13 Counsel believes staggering the dispositive motion deadlines in this and other matters
14 where the scheduling order issued on the same day would be in the interest of all parties
15 and would further serve the interests of judicial economy. Additionally, counsel for
16 Defendants needs additional time due to unforeseen medical issues³ that have occurred
17 within the previous month which have unfortunately resulted in some delays in counsel's
18 normal schedule. Defendants assert that the requisite good cause is present to warrant the
19 requested extension of time.

20 **III. CONCLUSION**

21 Defendants respectfully request this Court extend the deadline for dispositive
22 motion in this matter. Defendants assert the requisite good cause is present to warrant an

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27 ³ Should the Court want more detail, Defense Counsel is willing to submit a
28 declaration to be reviewed in camera as to preserve counsel's privacy to inform the Court
regarding counsel's medical issues.

1 extension of time. The request is timely. Therefore, the Defendants request additional
2 time, up until **February 3, 2025**, to file dispositive motions in this matter.

3 This is the first request to extend the subject deadline.

4 DATED this 13th day of November, 2024.

5 AARON D. FORD
6 Attorney General

7 By: /s/ *Kyle L. Hill*
8 KYLE L. HILL, Bar No. 16094
Deputy Attorney General

9 *Attorneys for Defendants*

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13 **It is so ordered.**

14 **Dated:** November 13, 2024



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UNITED STATES MAGISTRATE JUDGE
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